

TEMPORARY PROHIBITION OF STRIKES AND LOCKOUTS IN THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE

DECEMBER 9, 1970.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. STAGGERS, from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

[To accompany H.J. Res. 1413]

The Committee on Interstate and Foreign Commerce, to whom
was referred the joint resolution (H.J. Res. 1413), having considered
the same, report favorably thereon with an amendment and recom-
mend that the joint resolution, as amended, do pass.

The amendment is as follows: In the first section of the joint reso-
lution, strike out "February 17" and insert in lieu thereof "March 1".

PRINCIPAL PURPOSE OF THE RESOLUTION

The resolution reported herewith is designed to prevent a nation-
wide strike on railroads throughout the United States. Such a strike
is presently scheduled to take place at 12:01 a.m. December 10, 1970.

This legislation would provide that until March 1, 1971, the
provisions of the second paragraph of section 10 of the Railway
Labor Act shall continue to apply to the parties to this dispute, so
that no change, except by agreement, may be made in the status quo
with respect to the matters in dispute between the parties, and strikes
and lockouts are prohibited during this period.

JUSTIFICATION FOR HOUSE JOINT RESOLUTION 1413

This resolution is necessary to bar railroad strikes or lockouts until
March 1, 1971. Without it we will face a shutdown of railroad
service. This Nation cannot afford even a short termination of nation-
wide rail service. The impact at this time, when we are nearing the
height of the holiday season, on the mail service and the transportation
of goods and persons heavily underscores the proposition that we need
to continue our nationwide rail service.

A further serious complication at this time is that the 91st Congress will soon adjourn and the 92d Congress will not reconvene until January 20, 1971. It will take some time to organize the new Congress and, therefore, this resolution should extend until March 1, 1971.

It is, of course, realized that the resolution does not reconcile the differences among the parties to the labor-management dispute, but at the same time it cannot be overemphasized that the resolution and adherence to the resolution are vitally needed by all the citizens of this country.

HISTORY OF THE DISPUTE

The dispute involves four unions. Three of them are "non-ops"—unions which represent railroad employees engaged in various services other than actually operating the trains. They are: the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC); the Brotherhood of Maintenance of Way Employees (BMW); and the Hotel and Restaurant Employees' and Bartenders' International Union (HRE). Together, these three unions represent approximately 220,000 railroad employees. The fourth union is the United Transportation Union (UTU), which represents about 180,000 employees. It came into being, on January 1, 1969, through the merger of four "ops"—the Brotherhood of Railroad Trainmen, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railroad Conductors and Brakemen, and the Switchmen's Union of North America.

At various stages in 1969, the four unions served notices on the carriers, requesting improvements in wages and various other benefits. Such notices are known as section 6 notices—the reference being to section 6 of the Railway Labor Act, as amended. Also at various stages in 1969, the carriers served section 6 notices on the unions, countering the unions' notices and requesting changes in various existing contractual arrangements.

There followed negotiations by the parties at both the local and the national level. With the failure of these negotiations to produce agreements, the parties invoked the services of the National Mediation Board. This Board worked on the disputes over the course of several months and carried out the statutory requirement of proffering arbitration. It terminated its services on August 10, 1970. Upon this, the unions announced their intention to strike the carriers on September 10, 1970.

On September 8, 1970, in a further effort to achieve a settlement, the Assistant Secretary of Labor and the Chairman of the National Mediation Board reconvened negotiations. The mediation sessions were attended by representatives of the carriers and all four unions. Despite their intensity, these efforts also failed, and, on September 15, 1970, three of the Nation's railroads—the Baltimore & Ohio, the Chesapeake & Ohio, and the Southern Pacific—were struck. Given their selective nature, the stoppages were halted by a temporary restraining order of the U.S. District Court for the District of Columbia. There followed the President's decision to proceed with the appointment of an Emergency Board.

CREATION OF THE EMERGENCY BOARD

Emergency Board No. 178 was created by Executive Orders 11558 and 11559, issued on September 18, 1970, pursuant to section 10 of the Railway Labor Act, as amended. The Board was appointed to investigate and report on the disputes between the Nation's class 1 railroads represented by the National Railway Labor Conference (comprised of the Eastern, Western, and Southeastern Carriers' Conference Committees) and their employees represented by the four unions listed above—the BRAC, the BMW, the HRE, and the UTU.

President Nixon appointed the following persons as members of the Board: Lewis M. Gill, arbitrator, Merion, Pa., Chairman; Robert O. Boyd, arbitrator, Washington D.C., member; William H. Coburn, attorney and arbitrator, Washington, D.C., member; Jacob Seidenberg, arbitrator, Falls Church, Va., member; and Rolf Valtin, arbitrator, Washington, D.C., member.

The Board convened in Washington, D.C., on September 24, 1970. A procedural meeting with representatives of the parties was held on the following day. Public hearings were held in Washington, D.C., in the period from September 30 through October 17, 1970. During the course of the hearings, the parties agreed to request the President to extend, until November 10, 1970, the period in which the Board was to submit its report. The President granted the request.

Following the hearings, and with the parties' consent, the Board conducted a series of informal discussions with various representatives of the parties. Though unable to work out a full agreement, the Board succeeded in significantly narrowing many areas of the controversy.

On November 9, 1970, Emergency Board No. 178 submitted its report to the President, making a number of recommendations for changes in wages and workrules involved in the dispute designed to lead to the settlement of the dispute. The parties conducted negotiations on the basis of the recommendations made by the Emergency Board, but were unable to reach agreement, and the unions have called a strike to take effect at 12:01 a.m. on December 10, the earliest date permitted under existing law for such a strike.

PRESIDENTIAL RECOMMENDATIONS

On December 8, 1970, President Nixon transmitted to the Congress the following message, and recommended legislation prohibiting strikes or lockouts arising out of this dispute until January 23, 1971. During the hearings on December 8, 1970, Secretary of Labor Hodgson and Secretary of Transportation Volpe expressed no disagreement with extension of that date.

To the Congress of the United States:

After much effort at settlement through negotiation and mediation, we are confronted with an emergency stemming from a dispute between railway carriers and four unions representing their employees. The unions involved have declared their intention of calling a nationwide strike starting at 12:01 a.m., December 10, 1970.

All existing governmental procedures have been carefully but vainly used to bring about a settlement of the dispute. Negotiations among the parties, based upon the recommendations of the Emergency Board, have progressed during the last 30 days. However, because of

the number of parties and the complexity of the issues involved, these negotiations have not resulted in an agreed-upon resolution. At my direction, the Secretary of Labor has sought from the parties a voluntary extension of negotiations without strike or lockout, but he has not been successful.

A nationwide stoppage of rail service would cause hardship to all Americans and harm to the economy, particularly a stoppage at the height of the pre-Christmas season.

It is essential that our railroads continue to operate. Therefore, I recommend that the Congress extend for 45 days the period during which no work stoppage may occur. It is my hope that these additional 45 days will lead to a voluntary negotiated settlement of this dispute.

In requesting an extension to January 23, 1971, I am mindful of the fact that the current congressional session is fast drawing to a close and there are many other pressing and important matters to be dealt with. Under these circumstances, it would not seem advisable to thrust upon the Congress at this time the consideration of the complicated substantive issues of this dispute.

The fact that some progress has been made in negotiations is encouraging, and it indicates that the parties may be able to resolve their differences. However, if no settlement is reached within this time period, I shall make additional recommendations to the Congress.

I urge that Congress act quickly on my proposal so that a crippling stoppage can be averted, and so that the nation's travelers and shippers can depend on uninterrupted service.

RICHARD NIXON.

THE WHITE HOUSE, *December 7, 1970.*

IMPACT OF NATIONWIDE RAILROAD STRIKE

The Departments of Labor and of Transportation submitted the following information concerning the impact of a nationwide railroad strike:

OVERVIEW OF RAILROAD IMPORTANCE

American railroads operate 207,000 miles of line serving more than 50,000 communities. During 1969, the rail system moved over 788 billion ton-miles of freight—approximately 41 percent of the total intercity freight movement. Approximately 12 billion passenger-miles were provided in 1969—about 7.8 percent of the total passenger movement by common carriers. Rail commuter lines, concentrated in New York, Philadelphia, Boston, Chicago, and San Francisco, serve some 600,000 commuters daily. Transportation services performed by the railroads in 1969 produced \$11.4 billion in gross revenues, moved 28,292,000 freight car loads, and transported 295,880,000 passengers.

The dependence of certain sectors of industry on railroads to deliver key inputs of raw materials or components is of prime importance. The availability of these key inputs to industries is a most important factor in their ability to continue production. Industry rate of production is determined by the level of raw material inventories the hold and the rate these can be replenished. A sector-by-sector

analysis reveals that virtually all the goods producing industries are heavily dependent on rails for delivery of key inputs. In fact, most goods sectors, other than petroleum, glass, office machines and textile related industries, are dependent on rail for from 50 to 80 percent of key input deliveries.

Railroads do more for the consumer than move bulk and raw materials. Traffic they carry includes—

- 0.46 percent of meat and dairy products,
- 0.74 percent of canned and frozen foods,
- 0.71 percent of household appliances,
- 0.76 percent of automobiles and automobile parts,
- 0.78 percent of lumber and wood,
- 0.40 percent of furniture,
- 0.63 percent of chemicals,
- 0.68 percent of primary metal products, and
- 0.86 percent of pulp and paper.

1. Impact on railroad industry

	[In thousands]	Weekly in 1970
Revenue reductions:		
Commuters.....		\$3, 196
Intercity passengers.....		5, 384
Other losses related to passenger services.....		3, 770
Total passenger.....		12, 350
Freight, class I railroads.....		207, 692
Miscellaneous receipts and other.....		28, 846
Total revenue loss.....		248, 888
Average number of passengers affected:		
Average number of commuters.....		4, 336, 500
Average number of intercity passengers.....		1, 820, 690
Estimated weekly impact of postal service (carloads):		
Number of carloads affected:		
Railcars.....		1, 505
TOFC's (piggyback).....		3, 920
Total.....		5, 425
Employees and shipments affected:		
Railroad employees with wages of \$128,310,000 per week.....		580, 000
Freight cars stopped, including some 360,000 under load en route, 600,000 empties en route, 350,000 placed for loading, 350,000 placed for unloading and balance setting empty.....		1, 820, 000

2. Impact on economy

Rail transportation is an important part of the industrial production process. A nationwide railroad strike would have a spreading or cumulative effect greater than the immediate impact on particular industries which rely heavily on rail service. Coal is an example. Three-fourths of all coal moves by rail and is used not only for personal consumption and export, but is used also by producers of energy and other commodities, such as iron, steel, stone, and clay products. This cumulative effect supports the prediction that a nationwide railroad strike lasting 1 week would result in losses to economic output representing

5.8 percent of the gross national product. In a strike lasting 8 weeks, the loss in economic output could rise to as high as 24 percent of GNP.

If all production worker man-weeks lost because of a strike were reflected in unemployment (excluding those directly involved in the labor-management dispute) the unemployment rate would jump to 8.4 percent (based on April 1970 rate) by the second week of the interruption, and move up to 22.1 percent by the eighth week.

3. Impact on other modes

No excess capacity from other modes would be immediately available after a work stoppage, but this excess capacity would gradually come into use as weeks progress. An internal analysis of the expected capable increase in capacity of the other modes estimated that for-hire motor carriers the excess could be 33 percent of normal ton miles; private trucks engaged in intercity hauling would be able to increase their capacity by 10 percent; air freight could increase 50 percent of normal but no increases for barge lines. In terms of the amount of rail traffic these other modes can absorb, this represents approximately 15 to 20 percent of total rail volume.

4. Defense shipments

Nearly 40 percent of Defense Department freight moves by rail. It is estimated that almost one-third of that traffic could not be transported any other way. There is an average of 815 carloads originating daily; most important of these include:

- 150 cars of munition;
- Specialized rail car shipments of Titan III, Minuteman, Polaris missiles;
- Nuclear movements in shielded containers and depressed flat cars;
- Military-owned flat cars ("force of readiness" and "strike command");
- 25 cars of sulphuric acid; and
- 20 M-48 tanks.

5. Impact on Penn Central

As emphasized by the trustees of the Penn Central in recent hearings before the Senate Commerce Committee any interruption of railroad service would hasten the day when their cash balance would enter into a deficit position.

Affected:

- 95,000 employees.
- 250,514 daily passengers.
- 17,028 daily carloads.
- \$3,683,777 loss in daily freight revenue.
- \$403,045 loss in daily passenger revenue.

PROVISIONS OF THE BILL

The bill provides that section 10 of the Railway Labor Act, shall apply to the current railway labor-management dispute, and shall be extended for an additional period, until March 1, 1971.

Section 10 of the Railway Labor Act provides that upon the establishment of a Presidential Emergency Board, to make recommendations to the President, and for 30 days after the date the Board has submitted its report, strikes and lockouts are prohibited in disputes subject to that section 10. Since the strike or lockout is declared unlawful by this provision during the period of its applicability, any such strike or lockout can be enjoined by the courts.

The resolution reported herewith provides that the above mentioned prohibition against strikes and lockouts shall be extended beyond the date on which it otherwise would expire (December 10, 1970) until March 1, 1971.

This extension will provide additional time for the parties to attempt to settle the differences that will exist with respect to the issues involved in the dispute, and will provide time or organization of the 92d Congress, so that that body will be in a position to deal with the dispute, if it has not been resolved by March 1.

AGENCY REPORTS

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I am transmitting herewith draft legislation to carry out the President's recommendation for averting the threatened nationwide rail dispute.

The draft legislation provides an extension for an additional period of 45 days of the prohibition against strikes or lockouts in this dispute.

This situation demonstrates forcibly once again that we must have permanent effective procedures for solving labor disputes of this nature. Last February the President proposed the enactment of an Emergency Public Interest Protection Act to provide such procedures for the transportation industry.

However, as such legislation has not yet been enacted and, in view of the urgency of the present situation, I recommend that the legislation I am transmitting be given immediate and favorable consideration.

Sincerely,

Secretary of Labor.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 8, 1970.

HON. HARLEY O. STAGGERS,
House of Representatives,
Washington, D.C.

DEAR MR. STAGGERS: If the nationwide railroad strike scheduled for 12:01 a.m., Thursday, December 10, 1970, proceeds as scheduled, it will have serious adverse effects on agriculture and consumers in both rural and urban areas.

The population of the United States is fed through a smoothly flowing, never ceasing pipeline. This pipeline requires a regular movement of raw products and processed goods throughout the year as relatively low stocks of processed items are held in homes, retail stores, or distribution warehouses. Interruption of the pipeline would result in instances of immediate shortages of food, particularly fresh fruits and vegetables. Consumers demand food in steady supply. Even minor and temporary shortages result in large price increases.

Similarly, much of the Nation's livestock population is dependent on a continuing flow of feed from surplus producing areas. Commercial feeders of beef, poultry and hogs customarily keep little feed on hand. Interruption of the flow could result in losses for many producers of meat, milk and eggs, as well as losses of some herds and flocks within 2 weeks.

Substantial flows of grains to ports for export and to terminal locations for storage just after harvest compound the complications of a strike threat at this time of year. Export sales could be lost and interior storage facilities overburdened if sufficient transportation is not available.

In addition, supplies for use next year are now being moved to farming areas for local distribution at the beginning of the planting season.

Finally, widely scattered electric generating plants depend heavily on rail transportation for a continuing supply of fuel. This cannot be interrupted for long if adequate power is to be available in both rural and metropolitan areas.

In our opinion, other forms of transportation generally are not able to fill the void created by nationwide rail strikes. This is especially true during the winter months when waterways become frozen over.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

THE POSTMASTER GENERAL,
Washington, D.C., December 8, 1970.

HON. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to acquaint you with the effect that a nationwide cessation of rail service at this time would have upon the operation of the postal system.

The railroads play a very important role in transporting U.S. mail. In fiscal year 1970, the railroads received \$184.8 million for providing mail transportation—32.1 percent of the total expenditure for domestic mail transportation. In this period railroads handled 225 million mail sacks and parcels in their passenger stations, and made 300 railroad cars and 1,200 trailers-on-flatcar per day available for the movement of mail.

The commercial sector of this country is vitally dependent on the continuous functioning of the various services performed by the postal establishment. Many remote communities rely on the mails not only for communication in social and financial affairs, but for medical supplies and other necessities. The ability of the postal service to continue

offering these services is dependent, in turn, upon the availability of adequate facilities and services for the transportation of mail.

A sudden cessation of rail service on a nationwide basis would constitute a grave crisis for the postal service at any time, but a cessation in the pre-Christmas period would be particularly catastrophic, since the volume of mail is at the year's peak at this time. In fiscal year 1970, 569,692,000 parcels were moved by rail; 256 million parcels, or almost half the year's total, were transported during the Christmas peak.

It has been necessary to issue instructions to our field establishment to take the following steps at once if a stoppage in rail service occurs.

- (a) Refuse to accept any parcel exceeding 36 inches in length or 60 inches in length and girth combined;
- (b) Refuse to accept all second-, third-, and fourth-class mail addressed for delivery beyond the third postal zone; and
- (c) Refuse to accept all international mail, except letter mail, if it is tendered for mail at a point more than 300 miles from the point of embarkation.

Such an embargo will permit us to maintain only minimal postal service throughout the country, except for first-class and airmail services.

While limited air and truck service can be procured to supplement normal nonrail transportation patterns, the availability of such supplemental services falls far short of the need.

In addition to the immediate unavailability of essential postal services, the cumulative effect of a continued deprivation of rail service for a protracted period will create serious problems for mail users who will be forced either to stockpile merchandise which cannot be shipped, or to seek methods for moving such shipments out of the mail. Such shippers will, by seeking truck service, be competing with the postal service in the transportation market, thus rendering it more difficult for the postal service to succeed in maintaining even minimal service for second-, third-, and fourth-class mail.

The postal service expects to encounter substantial administrative problems in attempting to collect the proper postage on the vast quantities of mail which would be deposited in postal channels at points other than the normal entry points where major mailers are authorized to pay postage by permit imprints, or by second-class and controlled-circulation imprints. Major problems can also be anticipated in attempting to schedule work for postal employees whose normal functions would be disrupted by lack of rail service.

Sincerely,

WINTON M. BLOUNT.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF EMERGENCY PREPAREDNESS,
Washington, D.C., December 8, 1970.

HON. HARLEY O. STAGGERS,
*Chairman, Interstate and Foreign Commerce Committee,
House of Representatives, Washington, D.C.*

DEAR MR. STAGGERS: I am writing to you from my position as Chairman of the President's Joint Board on Fuel Supply and Fuel Transport which he appointed to maintain surveillance and take needed actions for the coming heating season. The membership

includes the Secretaries of Interior and of Commerce, and the Chairmen of the Council of Economic Advisers, the Federal Power Commission, the Interstate Commerce Commission, and the Council on Environmental Quality.

Our Joint Board considers that, barring extraordinary interruptions such as a transportation strike, there will be no significant fuel problems during the coming winter.

We have appraised the situation in case of a rail strike. Our conclusions include:

(a) The fuel situation, particularly coal, would be immediately affected by a rail strike. While our Joint Board efforts and those of industry have been building inventories, there are still a significant number of public utility plants with low fuel inventories.

(b) A rail strike would have a spreading and multiplying effect on industry and our whole economy and society through lack of fuel transportation alone. Three-fourths of all coal moves by rail. Suspension of rail movement would cut off: (1) 68 percent of coal going to electrical power utilities; (2) 75 percent of coal going to coke and gas plants; (3) 79 percent of coal going to industrial plants.

Regional effects would be most severe in New England, West North Central, South Atlantic, West South Central, and Mountain States. Because of the interdependence of shipping and receiving areas, there would be a general disruption of commerce.

(c) Our survey of excess capacity from other than rail transportation indicates that only 18 percent of the normal volume of coal transported by rail would move, even with top priority.

I do hope that the foregoing summary estimate, focused only on the fuel situation, is sufficient to be convincing that a rail strike would quickly place our country in a critical situation in regard to energy supply as we now enter the cold weather season.

Sincerely,

G. A. LINCOLN,
Director, Chairman, Joint Board.

APPENDIX A

NEGOTIATIONS BETWEEN THE NATIONAL RAILWAY LABOR CONFERENCE (NRLC) AND EASTERN, WESTERN AND SOUTHEASTERN CARRIERS' CONFERENCE COMMITTEES AND UNITED TRANSPORTATION UNION (UTU), BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES (BRAC), BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES (BMWE), AND HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION (HREU)

CHRONOLOGY OF EVENTS

- May 29, 1969*—BRAC, BMWE, and HREU served notices on most of the Nation's railroads to amend the vacation provisions of existing agreements.
- September 2, 1969*—BRAC, BMWE, and HREU served notices on most of the Nation's railroads to amend holiday and insurance provisions of existing agreements.
- September 12, 1969*—The Nation's railroads counterproposals to these notices were served on the BRAC, BMWE, and HREU.
- October 15, 1969*—BRAC, BMWE, and HREU served notices on most of the Nation's railroads to amend job and income security provisions of existing agreements.
- October 20, 1969*—UTU served notices on most of the Nation's railroads to amend pay provisions of existing agreements.
- October 24, 1969*—BRAC served supplemental notices on most of the Nation's railroads to amend patrolmen pay provisions.
- November 3, 1969*—The Nation's railroads served additional counterproposals on the BRAC, BMWE, and HREU.
- November 7, 1969*—The Nation's railroads counterproposals to the UTU notice were served on the UTU.
- November 20, 1969*—UTU served notices on most of the Nation's railroads to amend fringe benefit provisions and rules in existing agreements.
- January 20 and 26, 1970*—The BRAC, BMWE, and HREU and the NRLC jointly invoked the services of the National Mediation Board (NMB). NMB docketed the case as NMB Case No. A-8853 Sub. Nos. 1, 2, and 3.
- April 15, 1970*—The UTU and the NRLC invoked the services of the National Mediation Board. The case was docketed as NMB Case No. A-8830.
- June and July 1970*—Negotiations between the four unions and the NRLC were conducted continuously throughout this period under the auspices of the NMB.
- July 29-30, 1970*—NMB advised the NRLC and the BRAC, BMWE, and HREU that its mediation efforts had been unsuccessful.

- ful and recommended that they submit the controversy to arbitration. The NRLC accepted the proposal, but the unions declined.
- August 3, 1970*—NMB advised the NRLC and the UTU that its mediation efforts had been unsuccessful and urged them to submit the controversy to arbitration. The NRLC accepted the proposal; the union declined the proffer.
- August 10, 1970*—NMB terminated its services as required under the Railway Labor Act. All four unions subsequently set a strike date for September 10.
- August 10–28, 1970*—Continuous discussions were held between U.S. Department of Labor Assistant Secretary W. J. Usery, Jr., the NMB and the disputing parties to explore all aspects of the negotiations.
- September 1, 1970*—The Secretary of Labor requested that the parties resume negotiations in Washington, D.C., on September 8 under the guidance of Assistant Secretary Usery and NMB Chairman, George S. Ives.
- September 2–7, 1970*—Assistant Secretary Usery and Chairman Ives communicated and met with the parties to encourage the development of new proposals.
- September 8–15, 1970*—Formal and continuous negotiations resumed at the Statler-Hilton Hotel in Washington, D.C. A variety of proposals were made but the efforts to reach a settlement were unsuccessful. However, the unions did agree to postpone the strike originally scheduled for September 10 pending outcome of the negotiations.
- September 15, 1970*—The unions threatened to strike the B. & O., C. & O., and the Southern Pacific Railroads at 12:01 a.m. September 16, 1970. Minutes before the strike was to occur, a petition by the NRLC to the U.S. district court to restrain the unions from such selective strikes was acted upon and the court issued a temporary restraining order. Some disruption did occur and full service was not restored until later in the day because of communication problems.
- September 16–18, 1970*—Meetings were held between Assistant Secretary Usery and the parties in an effort to avert a nationwide rail stoppage which was now possible in light of the court's action relative to selective strikes.
- September 16, 1970*—NMB notified the President that in its judgment, the dispute threatened to interrupt interstate commerce so as to deprive the country of essential transportation services.
- September 18, 1970*—President Nixon, by Executive Order No. 11558 and 11559, created Emergency Board No. 178. Members of the Board are: Lewis M. Gill, Chairman, Robert O. Boyd, member, William H. Coburn, member, Jacob Seidenberg, member and Rolf Valtin, member. The unusual five-man complement was selected in lieu of the more normal three-man group because of the complex nature of the dispute and in order to expedite matters.
- September 21–30, 1970*—Preparations and preliminary meetings of Emergency Board No. 178 took place.
- September 30–October 17, 1970*—Emergency Board No. 178 held public hearings in Washington, D.C.

October 17-30, 1970—Meetings were held with the parties at which time the Emergency Board attempted unsuccessfully to mediate a settlement of the issues in dispute.

November 9, 1970.—Emergency Board No. 178 submitted its report with recommendations to the President. The Emergency Board and the Secretary and Assistant Secretary of Labor met to discuss the report.

November 10, 1970.—The BRAC announced that it had rejected the recommendations of the Emergency Board and would call a nationwide strike against the railroads on December 11 if no agreement was reached by then.

November 12, 1970.—The UTU, BMW, and HREU announced that they had rejected the recommendations of the Emergency Board but set no strike date.

November 10-18, 1970.—Numerous discussions were held between Assistant Secretary Usery, Chairman Ives and the parties, to explore the positions of the parties with regard to the report.

November 19, 1970—At the direction of the Secretary of Labor, resumption of formal negotiations was set for November 23 along the provisions of the Emergency Board report.

November 23, 1970—Negotiations resumed in Washington, D.C. under the direction of Assistant Secretary Usery and NMB Chairman Ives. During these negotiations, the NRLC announced that the National Railroads accepted the recommendation of the Emergency Board. During this period, the BRAC announced it had changed its strike date and was scheduling a nationwide stoppage for December 10 unless a satisfactory agreement could be reached. Discussions between the parties continue through November 25.

November 26-29, 1970—Formal negotiations were recessed for the Thanksgiving Holiday; however at the direction of Assistant Secretary Usery and Chairman Ives, the parties agreed to meet with their respective committees to more fully develop their positions and to prepare counter proposals.

November 30-December 7, 1970—Formal negotiations resumed in Washington, D.C., and continued throughout the period. The parties exchanged various proposals and were able to narrow or resolve some issues in dispute. Government mediation worked both jointly and separately with the parties during this period. The UTU, BMW, and HREU announced plans to strike on December 10, 1970, unless a satisfactory agreement could be reached.

December 7, 1970—When it became apparent that a settlement could not be reached prior to the December 10, 1970, strike deadline, the Secretary of Labor met with the parties and proposed several alternatives to a strike including voluntary extension of the deadline. The recommendations were not acceptable.

APPENDIX B

PROVISIONS OF EXISTING LAW REFERRED TO IN THE RESOLUTION

The resolution makes no amendments or repeals of provisions of existing law. The provisions of law which are referred to in the resolution are set forth below for the convenience of the Members:

SECTION 10 OF THE RAILWAY LABOR ACT (45 U.S.C. 160)

EMERGENCY BOARD

SEC. 10. If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this Act and should, in the judgment of the Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Mediation Board shall notify the President, who may thereupon, in his discretion, create a board to investigate and report respecting such dispute. Such board shall be composed of such number of persons as to the President may seem desirable: *Provided, however,* That no member appointed shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of the members of any such board shall be fixed by the President. Such board shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President within thirty days from the date of its creation.

There is hereby authorized to be appropriated such sums as may be necessary for the expenses of such board, including the compensation and the necessary traveling expenses and expenses actually incurred for subsistence, of the members of the board. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

After the creation of such board and for thirty days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.



